

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 INRE-00 NSCE-00 USIE-00 CIAE-00

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FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 5696

USMISSION USBERLIN IMMEDIATE

INFO AMEMBASSY PARIS

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY BERLIN

AMEMBASSY SANNA

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 03 BONN 00795

E.O. 11652: GDS

TAGS: PGOV PINS WB GW YS

SUBJECT: LORENZ KIDNAPPING AFTERMATH: POSSIBLE RETURN  
OF PRISONERS TO BERLIN

REF: USBER 76 (NOTAL)

BEGIN SUMMARY. FRG FONOFF HAS DISPATCHED CABLE  
INSTRUCTING ITS EMBASSY IN ADEN TO REQUEST PROVISIONAL  
ARREST FOR EXTRADITION OF THE FIVE TERRORISTS WHO WERE  
FLOWN THERE LAST MARCH TO SECURE RELEASE OF KIDNAPPED  
BERLIN POLITICIAN PETER LORENZ. AT NIGHT MEETING OF  
BONN GROUP JANUARY 15, GERMANS GAVE CONFLICTING OPINIONS  
ON THE ASPECT OF CASE WHICH IS OF DIRECT INTEREST TO  
ALLIES -- WHETHER THE TWO WOMEN WHO HAD BEEN RELEASED  
FROM BERLIN PRISON WOULD HAVE TO BE RETURNED TO BERLIN  
IF EXTRADITION TO FRG GRANTED. FRG AND BERLIN OFFICIALS  
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TOOK NOTE OF REQUEST OF ALLIED REPS THAT COMPETENT  
GERMAN AUTHORITIES EXPLORE POSSIBILITIES FOR KEEPING

THEM IN PRISONS IN FRG. QUESTION OF HOW THEY MIGHT BE TRANSPORTED TO BERLIN WAS NOT DISCUSSED. END SUMMARY.

1. AT TRIPARTITE MEETING AFTERNOON OF JANUARY 15, UK AND FRENCH REPS DID, AS PREDICTED REFTEL, RAISE QUESTION OF POSSIBLE RETURN OF FORMER PRISONERS SIEPMANN AND BECKER TO BERLIN. FRENCH REP (BOISSIEU) EXPRESSED OPPOSITION TO THEIR RETURN AND THOUGHT ALLIES SHOULD TELL THE FRG THEY SHOULD BE KEPT IN THE FRG IF EXTRADITION IS GRANTED (CONCERNING WHICH ALL THREE ALLIED REPS EXPRESSED CONSIDERABLE SKEPTICISM).

2. US REP EXPRESSED VIEW THAT WE SHOULD NOT TRY TO SECOND GUESS THE GERMANS IN THEIR HANDLING OF THE CASE. CONSISTENT WITH POSITION US HAD FOLLOWED DURING LORENZ AFFAIR, HE THOUGHT WE WOULD SUPPORT THE GERMANS IN THEIR BASIC DECISIONS SO LONG AS THERE WAS NOT DIRECT CONFLICT WITH ALLIED RIGHTS AND RESPONSIBILITIES IN BERLIN. HE EXPRESSED PERSONAL VIEW, HOWEVER, THAT US GOVERNMENT WOULD NOT PROVIDE AN AIRCRAFT FOR RETURNING THE TWO PRISONERS TO BERLIN AND SUGGESTED ALLIES SHOULD TELL THE FRG IT HAD NO OBJECTIONS TO THEIR PLAN -- EVEN THOUGH IT WOULD BE PREFERABLE FROM THE STANDPOINT OF SECURITY AND PUBLIC ORDER IN BERLIN IF PRISONERS WERE NOT RETURNED THERE -- BUT THAT IT WOULD BE UP TO THE GERMANS TO WORK OUT A WAY TO GET THEM BACK.

3. UK REP (HITCH) WAS NOT PREPARED TO GO ALONG WITH SUCH A SCENARIO. HE PREFERRED TO QUERY LONDON ONE STEP AT A TIME AND WAS INCLINED TO RECOMMEND TO LONDON THAT ALLIES FIRST BE AUTHORIZED TO GO BACK TO SENAT AND ASK FOR FULLER EXPLANATION OF LEGAL REQUIREMENT THAT THE TWO PRISONERS BE RETURNED TO BERLIN. HE WOULD LEAVE NEXT STEPS FOR SUBSEQUENT CONSIDERATION. HITCH WAS UNWILLING TO ACQUIESCE IN US VIEW THAT A DEFINITE ANSWER SHOULD BE GIVEN PROMPTLY AND THAT A FULL SCENARIO COVERING THE VARIOUS CONTINGENCIES SHOULD BE PRESENTED TO CAPITALS IN ONE PACKAGE.

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4. SUPPLEMENTING INFORMATION GIVEN IN REFTEL, HITCH SAID HERZ HAD TOLD BERLIN MISSIONS LATER ON JANUARY 15 THAT SENAT HAD ALREADY GIVEN ITS CONSENT TO THE FEDERAL GOVERNMENT AND THAT, WHEN MISSION OFFICERS SAID THERE SHOULD BE CONSULTATIONS IN BONN, HERZ HAD SAID IT WAS UP TO ALLIES TO REQUEST SUCH CONSULTATION IF THEY DESIRED THEM. ON BASIS OF THIS REPORT, ALLIED REPS AGREED TO CONTACT FRG BONN GROUP REP TO ASK THAT FINAL DECISIONS NOT BE TAKEN UNTIL THERE HAD BEEN

OPPORTUNITY TO CONSULT ON BERLIN ASPECTS OF THE PROBLEM.

5. AFTER THIS REQUEST WAS CONVEYED, FRG CALLED BONN GROUP MEETING FOR 9:45 P.M. WHICH WAS ATTENDED ALSO BY REPRESENTATIVE OF MINISTRY OF JUSTICE (POETZ) AND MEICHSNER OF BERLIN REPRESENTATION. LUECKING EXPLAINED THAT FOREIGN MINISTER HAD BEEN ON VERGE OF APPROVING

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TELEGRAM TO ADEN BUT HAD HELD IT UP UNTIL ALLIES CONSULTED. HE SAID INTENTION OF FRG WAS TO REQUEST PDRY, DESPITE ABSENCE OF FRG/YEMEN EXTRADITION TREATY, TO EFFECT PROVISIONAL ARREST OF FIVE TERRORISTS FOR EXTRADITION, FOLLOWING WHICH FRG WOULD TRANSMIT WHAT-EVER SUPPORTING DOCUMENTS PDRY MIGHT REQUIRE IN SUPPORT

OF SUBSEQUENT FORMAL EXTRADITION REQUEST.

6. MEICHSNER STATED THAT BERLIN AUTHORITIES HAD INITIALLY OPPOSED REQUEST FOR EXTRADITION OF TWO BERLIN TERRORISTS BUT HAD DECIDED TO GO ALONG WITH SUCH REQUEST AFTER INFORMATION REPORTED PARA ONE REFTEL AND VERY RECENT OXFORT TALKS WITH FRG JUSTICE MINISTER VOGEL. MEICHSNER SAID ALLIES IN BERLIN HAD NOT OPPOSED MAKING EXTRADITION REQUEST; THEY HAD ASKED WHETHER SIEPMANN

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AND BECKER RETURN TO BERLIN WAS LEGALLY ESSENTIAL BUT HAD NOT EXPLORED FURTHER WHEN OXFORT STATED THAT IT WAS. HOWEVER, ALLIES HAD RAISED QUESTIONS ABOUT TRANSPORTATION OF BOTH TO THE WSB AND REQUESTED THAT THERE BE CONSULTATION ON THIS MATTER IN BONN GROUP BEFORE EXTRADITION REQUEST MADE.

7. FRG JUSTICE MINISTRY REP POETZ STATED THAT BOTH WOMEN HAD BEEN TRIED AND CONVICTED BEFORE THEY WERE FLOWN OUT OF BERLIN AND THAT CONVICTIONS AND SENTENCES WERE FINAL AND BINDING FOR BOTH. QUESTION OF WHERE THEY MIGHT BE IMPRISONED TO SERVE SENTENCES IF EXTRADITED TO FRG WAS MATTER FOR LAND JUSTICE AUTHORITIES TO DECIDE; FEDERAL JUSTICE MINISTRY HAD NO ORIGINAL COMPETENCE ON THAT QUESTION. WHILE MAKING ALLOWANCE FOR POSSIBILITY THAT SIEPMANN AND BECKER MIGHT BE IMPRISONED ELSEWHERE THAN WSB ON BASIS OF CONVICTION IN WSB, HE DEFERRED LATER IN EVENING TO OPINION OF JUSTICE SENATOR OXFORT OF BERLIN THAT INCARCERATION IN BERLIN WOULD PROBABLY BE UNAVOIDABLE.

8. FRENCH REP (BOISSIEU) EXPRESSED THANKS ON BEHALF OF THE THREE ALLIES FOR THE EXPLANATIONS WHICH HAD BEEN GIVEN AND EMPHASIZED THAT IT WAS NOT FOR THE ALLIES TO COMMENT ON THE GENERAL QUESTION OF REQUESTING EXTRADITION. RATHER, ALLIED CONCERN WAS RELATED ONLY TO BERLIN INVOLVEMENT IN THIS MATTER. HE SAID HE WAS NOT CERTAIN OF THE LEGAL SITUATION AND WOULD APPRECIATE MORE SPECIFIC INFORMATION CONCERNING THE LAWS REQUIRING RETURN OF THE PRISONERS TO BERLIN. POLITICALLY, HE THOUGHT THEIR RETURN WOULD BE BAD BECAUSE OF THE SPECIAL FACTORS THAT MADE TERRORIST PROBLEMS IN BERLIN MORE DIFFICULT THAN ELSEWHERE. HIS POSITION, HE SAID, WOULD BE TO ASK -- ON A NON-LEGAL BASIS -- THAT THE FEDERAL GOVERNMENT TRY TO FIND A WAY FOR THE TWO WOMEN TO BE IMPRISONED IN THE FRG AND NOT IN BERLIN IF THEY SHOULD BE EXTRADITED.

9. UK REP (HITCH) EMPHASIZED THAT HE HAD UNDERSTOOD

FROM REPORTS FROM BERLIN THAT ALLIED OFFICIALS THERE HAD  
QUESTIONED NOT JUST THE MATTER OF TRANSPORTING THE  
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TERRORISTS TO BERLIN. HE UNDERSTOOD THAT THE UK REP,  
AT LEAST, HAD EXPRESSED A PREFERENCE FOR REFERRING THE  
BROADER QUESTION TO LONDON. HITCH ADDED THAT HMG  
APPRECIATED AND SUPPORTED ANTI-TERRORIST MEASURES.

10. US REP ALSO EXPRESSED APPRECIATION FOR  
CONSULTATION BUT NOTED FOR THE RECORD SOME REGRET AT  
FACT THAT ALLIES, WHOSE INTEREST WAS CLEAR BECAUSE OF  
THEIR RESPONSIBILITY FOR SECURITY IN BERLIN, HAD BEEN  
BROUGHT INTO PICTURE ONLY AT LAST MINUTE. HE ADDED  
THAT, HAVING SAID THAT, HE THOUGHT USG WOULD AGREE THAT  
BASIC DECISIONS WERE TO BE TAKEN BY FRG AND THAT, AS  
HAD BEEN TRUE DURING THE FIRST CHAPTER OF THE LORENZ  
CASE, ALLIES WOULD WISH TO PLAY A SUPPORTIVE ROLE TO  
THE EXTENT COMPATIBLE WITH ALLIED RIGHTS AND RESPON-  
SIBILITIES. US ATTITUDE TOWARD INTERNATIONAL TERRORISM  
WAS CLEAR AND IT WOULD BE GOOD NEWS IF EXTRADITION  
REQUEST SUCCEEDED. AT SAME TIME, US REP, LIKE BRITISH  
AND FRENCH COLLEAGUES, WOULD BE PLEASED IF WAY COULD  
BE FOUND TO IMPRISON SEIPMANN AND BECKER IN FRG.

11. US REP ASKED FOR CLARIFICATION AS TO WHETHER  
CUSTOMARY WORDING OF FRG EXTRADITION REQUEST, WHICH US  
UNDERSTOOD WAS MADE BY FEDERAL GOVERNMENT ON BEHALF OF  
THE LAND OR LAENDER CONCERNED, WOULD PREDETERMINE THE  
ISSUE BY SPECIFYING ULTIMATE DESTINATION OF FUGITIVES  
IF EXTRADITED.

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FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 5698

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12. POETZ RESPONDED THAT, WHILE FEDERAL GOVERNMENT  
COULD ACT ONLY ON BASIS OF REQUEST FOR EXTRADITION FROM  
COMPETENT LAND AUTHORITIES, REQUEST TO YEMEN GOVERNMENT  
WOULD NOT SPECIFY LAENDER FROM WHICH REQUESTS HAD  
ORIGINATED. FRG NOTE WOULD MERELY REQUEST EXTRADITION  
TO THE FRG FOR EXECUTION OF SENTENCES, AND THERE WOULD  
BE NO MENTION OF BERLIN RE SIEPMANN AND BECKER.  
(COMMENT: SUPPLEMENTARY DOCUMENTS, INCLUDING CONVICTION  
RECORD, WOULD, OF COURSE, INDICATE CONVICTION BY  
BERLIN COURT.)

13. MEICHSNER PHONED BERLIN JUSTICE SENATOR OXFORT  
DURING MEETING AND RETURNED TO STATE THAT EXECUTION  
OF SENTENCE ELSEWHERE THAN IN BERLIN WAS PROBABLY  
POSSIBLE ONLY IF SIEPMANN AND BECKER WERE TO AGREE  
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THERETO. A CASE IS PENDING BEFORE BERLIN  
KAMMERGERICHT, WHICH MAY WELL DECIDE THAT ARRANGEMENT  
BETWEEN BERLIN AND HESSEN FOR IMPRISONMENT IN HESSEN OF  
PERSON CONVICTED IN BERLIN CANNOT BE IMPLEMENTED OVER  
PRISONER'S OBJECTION. MEICHSNER DOUBTED THAT BERLIN  
SECURITY SITUATION WOULD BE DETRIMENTALLY AFFECTED  
BY RETURN OF SIEPMANN AND BECKER.

14. MEETING CONCLUDED ON UNDERSTANDING THAT ALLIES  
HAD RAISED NO OBJECTION TO FONOFF INSTRUCTIONS FOR FRG  
AMBASSADOR TO DPRY (WHO IS RESIDENT IN SANAA) TO REQUEST  
PROVISIONAL ARREST FOR EXTRADITION OF FIVE PERSONS

LOCATED IN PDRY, AND THAT CABLE WOULD THUS BE SENT IMMEDIATELY. GERMAN REPS NOTED REQUEST OF ALLIES THAT COMPETENT GERMAN AUTHORITIES EXPLORE AS SOON AS POSSIBLE MEANS FOR AVOIDING RETURN OF SIEPMANN AND BECKER TO BERLIN, SHOULD THEIR EXTRADITION TO FRG BE GRANTED.

15. COMMENT: AT BONN GROUP MEETING, US POSITION WAS BASED ON ASSUMPTION THAT ALLIES WOULD HAVE NO LEGAL AUTHORITY TO PREVENT RETURN OF GERMANS TO BERLIN IN THE ABSENCE OF AN EXTRAORDINARY THREAT TO PUBLIC SAFETY, AND THAT USG WOULD NOT WISH TO TRY TO INTERFERE WITH GERMAN DECISION-MAKING ON THIS DIFFICULT CASE. ASSUMING DEPARTMENT AGREES WITH THIS POSITION, MAIN ISSUE WHICH MAY HAVE TO BE RESOLVED IN FUTURE IS QUESTION OF TRANSPORTING THE TWO BACK TO BERLIN. WE WOULD HOPE GERMANS WOULD BE ABLE TO CHARTER AN AIRCRAFT FOR THAT PURPOSE AND BELIEVE WE SHOULD TELL THEM NOT TO COUNT ON US FOR SPECIAL TRANSPORTATION. WHILE DEPARTMENT'S INSTRUCTIONS ON THAT ISSUE ARE REQUESTED, IT IS WORTH NOTING THAT WE HAVE NO REASON TO BELIEVE THAT FRG EXPECTS PDRY WILL GRANT EXTRADITION REQUEST. IN FACT, LUECKING AT ONE POINT VOICED DOUBTS THAT ANYTHING WOULD COME OF REQUEST.

16. ACTION REQUESTED: GUIDANCE FROM DEPARTMENT ON TRANSPORTATION.

HILLENBRAND

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## Message Attributes

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**Disposition Approved on Date:**  
**Disposition Authority:** ShawDG  
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**Review Action:** RELEASED, APPROVED  
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**TAGS:** PGOV, PINS, WB, GE, YS, US, (LORENZ, PETER)  
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